

## LIVABLE DELAWARE PROGRESS SINCE 2001

### Legislation

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- HB 255 (2001) **requiring municipalities to have completed or updated comprehensive plans** showing future growth areas before they can annex; requiring a plan of services detailing how and when infrastructure and other services will be provided to the annexed parcel; and setting up an approval process and dispute resolution procedures for comprehensive plans.
- HB 192 (2001) changed **Realty Transfer Tax formula** to increase annual amount available for Open Space purchases from \$3 million to \$9 million, increased greenways funding and created a stewardship fund to maintain acquired lands.
- SB 105 (2001) creating **Livable Delaware Advisory Council**, giving it responsibilities previously delegated to Cabinet Committee on State Planning Issues.
- SB 65 (2003) **overhauls Land Use Planning Act**, creating new Preliminary Land Use Service that enables state agencies to weigh in much earlier on land-use proposals, including residential subdivisions not included under LUPA.
- Brownfields redevelopment
  - Available **brownfields grants** for assessment and cleanup increased from \$25,000 to \$150,000 per project (SB 183, 2001; SB 328, 2004).
  - **Liability legislation** (SB 157, 2003) mirrored federal liability law and made brownfields development more attractive to prospective purchasers.
  - **Distinct and unified brownfields program** created within DNREC to create separation from state Superfund and other more enforcement-oriented programs (SB 328, 2004).
  - **Uniform Environmental Covenants Act** (SB 112, 2005) enables the establishment of durable environmental covenants that run with the land and provide transparency and confidence in the sustainability of brownfield cleanups.
- SB 305 (2004) **changes how school districts select school sites** to avoid encouraging sprawl; revises Certificate of Necessity process; state has final approval.
- SB 229 (2005) **establishes permanent funding of \$10 million a year** for farmland preservation.
- SB 121 (2005) **establishes a forestland preservation program** that parallels the state's successful Purchase of Development Rights program for farmland.
- HB 280 (Pending), **the Sprawl Prevention Act**, would prevent the permitting of most community wastewater systems in designated rural areas and require a minimum lot size of 4 acres for residential development on individual septic (with a maximum of 100 homes, according to newly adopted septic regulations). Community wastewater systems enable large-scale development to be built in rural areas without supporting infrastructure and services.



### Policy and programs

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- **Strategies for State Policies and Spending** accomplished successful five-year update to delineate levels of state investment. Improved GIS technology enabled the state to be digitally mapped and categorized in 30-meter squares; 1999 Strategies were not even mapped by parcel.
- Office of State Planning Coordination hired **professionally certified "circuit-rider" planners**, one for each county, to provide hands-on assistance to local governments.
- The total overhaul of the Land Use Planning Act (LUPA) into the **Preliminary Land Use Service (PLUS)** allows the state to review and provide suggestions and comments on more types of projects earlier in the application process. Since February 2004, the state has reviewed 265 projects through PLUS. All applications and state comments are available on the Office of State Planning Coordination website, [www.state.de.us/planning](http://www.state.de.us/planning).

- Through Livable Delaware funds, Office of State Planning Coordination has allotted **more than \$300,000 to help local governments** throughout the state prepare or update their comprehensive plans and subsequent ordinances.
- Of the state's 57 municipalities, 36 now have certified plans and 12 are in the process of being prepared, updated or certified. All three counties have certified comprehensive plans.
- With an EPA grant and the assistance of The Conservation Fund, the administration produced "**Better Models for Development in Delaware**," a practical guide to promoting community-friendly design that respects local character. Sponsored a public symposium with Governor Minner and Ed McMahon, formerly of The Conservation Fund, in September 2004.
- With the University of Delaware's Institute for Public Administration, conduct continuing workshops on planning topics for local officials. For a sample listing, see <http://www.ipa.udel.edu/localgovt/training/planning-ed.html>
- The Delaware State Housing Authority's **Live Near Your Work** program has engaged local governments and employers to provide up to \$5,000 in down payment and closing-cost assistance to employees who live within designated growth areas. To date, there are 13 participating employers, 5 participating jurisdictions and 11 employee closings. An additional 24 employees are in various stages of the program and are waiting to select a home or sign a sales contract.

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## Projects

**Blendt Farm.** This 200-acre farm annexed by Smyrna was slated for 460 homes. However, it was mostly outside the state's designated growth area, adjacent to a county park and across the road from preserved farmland. Collaboration among the Governor's Office, Open Space Council, DelDOT and the Department of Agriculture enabled the state to purchase development rights on the farm, which is now being used for research by Delaware State University.

**Eden Hill.** The state worked closely with the city of Dover and the owners of a historic 272-acre farm in Dover to carefully plan its development as a walkable, Traditional Neighborhood Design and mixed-use development. DelDOT invested to preserve the historic buildings and two allees of trees and also provided consulting services to help design the development.

**Cannery Village.** Developers of this former cannery annexed into Milton were the first to access new brownfield funds. The mixed-use project exemplifies Livable Delaware because it blends in with the town, redevelops a blighted and abandoned industrial site, features a mixture of housing styles and offers an array of commercial uses – including Dogfish Head Brewery and WBOC studios.

**Westown.** This master-planned project in Middletown was the first in the state to successfully use Transfer of Development Rights. At no cost to taxpayers, developers purchased development rights on more than 500 acres, extending a green buffer around town, and transferred those rights into Middletown – enabling them to build a highly efficient and livable community applying the principles of Traditional Neighborhood Design. One of the farmers used the money he received to purchase a neighboring farm, and in turn New Castle County purchased those development rights – ultimately preserving about 700 acres of prime farmland. The developers contributed more than \$5 million toward infrastructure costs through a unique agreement.

**Glatfelter purchase.** As part of Livable Delaware's Green Infrastructure strategy, the Minner Administration negotiated the purchase and preservation of 2,000 acres of prime Sussex County woodlands from Glatfelter Pulpwood Co. The deal also involved The Conservation Fund, US Forest Service and The Nature Conservancy. The state continues to negotiate for the purchase of Glatfelter holdings.